

HAMPTON PLANNING BOARD – MINUTES

February 5, 2003

PRESENT: Thomas Gillick, Chairman
Sharleene Hurst, Vice Chair
Jack Lessard, Clerk
Keith Lessard
Peter Olney
Bob Viviano
Skip Sullivan, Selectmen Member
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. and introduced the members in attendance. Mr. J. Lessard **MOTIONED** to amend the agenda to hear item 1 under Continued Public Hearings with items 5-7 under New Public Hearings. Mr. Viviano **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS

1. Pobama Trust

Special Permit for temporary impact to Wetlands Conservation District
to construct single family home at
4 Post Road
Map 043, Lot 002
Owner of Record: Same as Above

Mr. Jack Murray and Jay Raymond addressed the Board. Mr. Gillick read the Conservation Commission memo dated January 31, 2003 outlining their proposed conditions. Mr. Murray stated that he is requesting of the Board permission to build the back section of a 24' x 40' home at 4 Post Road. The permit has 2 purposes: 1. to build the back section of the wall, and 2. to complete the restoration project of the wetlands in the rear.

Mr. Gillick asked Mr. Murray if this matter could be concluded tonight, as this has been a long procedure. Mr. Murray stated that, upon departmental recommendations, he has relocated the house closer to Post road and out of the buffer zone. He has reapplied to the State of New Hampshire for a new septic system design. Mrs. Kimball stated that there would be a temporary impact to the buffer while the applicant was working in the buffer during construction and for the wetland mitigation work. Mrs. Kimball stated that she believed the original application was stamped by a wetland soil scientist. Keith Lessard strongly recommended that the applicant be required to place monumentation at the edge of the buffer zone. Mrs. Kimball stated that is entirely at the Board's discretion, as technically, this is not a Site Plan or a subdivision. Thus it is not required that this application comply with the regulations for a subdivision or a site plan where the Board does have requirements for monumentation. Jay Raymond stated that there is to be a row of bushes 10 feet away from the boundary line, and Jim Gove and DES have proposed an elaborate restoration plan. Keith Lessard stated that he still wanted to see the Board require monumentation as owners may change over time. Mrs. Kimball stated that unless a plan is

recorded at the Registry of Deeds, the town's regulations do not specify that the plans be stamped by a wetland soil scientist as special permits are not recorded.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. K. Lessard **MOTIONED** to approve the Special Permit for temporary impact to the Wetlands Conservation District to construct a single family home at 4 Post Road, Map 043, Lot 002, Project #98145, Rev. 9/3/02, subject to the following conditions:

1. Conservation Commission memo dated January 31, 2003;
2. Monumentation (4' x 4' granite bounds) at 50 foot intervals along the wetland boundary;
3. A plan delineating the wetland boundary and stamped by a wetland scientist, to be filed with the Registry of Deeds (can be incorporated into the pending lot line adjustment plan).

Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Lianne Tonry
Lot Line Adjustment at
8 John Stark Lane
Map 21 & Lots 1 & 1a
Waiver Requested: Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Alice Tonry

Mr. Ernest Cote and Lianne Tonry addressed the Board. Mr. Cote stated that the applicant wishes to make some lot line adjustments. Parcel B (3.38 acres) would be incorporated into Parcel C (4.4 acres) as shown on the current plan. The remaining land (7.58 acres) would be left as Parcel A. Mr. Cote stated that the plan would need to be changed to include some minor corrections and the drainage easement as the end of Morrill Street.

The Board discussed Mrs. Kimball's January 28, 2003 memo. This property abuts the Hampton Falls town line, and thus per RSA 674:53 - Land Affected by Municipal Boundaries, II, written notice needs to be given to the Hampton Falls Planning Board as to the existence of facts or regulations that would preclude or affect such subdivision. Mrs. Kimball stated that the applicant has requested a Waiver from the detailed plan. Mr. Olney asked if these changes would affect the ability of this land to be developed. Mrs. Kimball stated that only lot C has frontage, and thus it would not be affected, as in its current state, it could be developed at a later date. The frontage is on John Stark Lane. The back parcels remain land-locked.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. J. Lessard **MOTIONED** to approve the Waiver Request (Subdivision Regulations Section V.E Detailed Plan). Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. K. Lessard **MOTIONED** to accept jurisdiction of and approve the Lot Line Adjustment, 8 John Stark Lane, Map 21, Lots 1 & 1a, Plan #4-58-01 subject to the following conditions:

1. Jennifer Kimball's memo dated January 28, 2003;
2. Include survey corrections on plan and addition of drainage easement;
3. Certificate of Monumentation.

Mr. J. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Gillick and Mrs. Kimball will review the revised Plan.

3. Pamela M. Kopka
Special Permit to replace existing house in Wetlands Conservation District at
63 Barbour Road
Map 92, Lot 007
Owner of Record: Same as Above

Attorney Peter Saari addressed the Board. The Conservation Commission memo requested that the building be located closer to the street, and the applicant would need to meet with the Zoning Board of Adjustment. Thus, the Planning Board would not be able to act on this matter this evening.

Mrs. Hurst **MOTIONED** to postpone the above application to March 5, 2003. Mr. Olney **SECONDED: VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Kathleen Kelly
2-Lot Subdivision Application at
131 Little River Road
Map 147, Lot 13
Waiver Requested: Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Same as Above

Mr. Ron Moores and Mrs. Kelly addressed the Board. Mr. Moores stated that the applicant has received variances from Section 4.2 (frontage) and 4.3 (lot width) from the Zoning Board of Adjustment. The applicant wishes to divide the existing house and detached garage on approximately 20,500 sq. ft and a second new parcel to contain .96 acres on which to build another home. There are no wetlands involved. There is water and sewer on the lot in front of the parcel. A driveway easement would be needed for the existing driveway so that it may be used by both lots.

OPEN PUBLIC HEARING.

Vladimir Wilhousky, 123 Little River Road. Mr. Wilhousky spoke in favor of the application.

Mr. Gillick read a letter from Judy DuBois, Louis DuBois and Marilyn Dubois Henderson, of 101 Little River Road, who is also in favor of this application.

No further comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to approve the Waiver Request. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to accept jurisdiction of and approve the 2-Lot Subdivision Application at 131 Little River Road, Map 147, Lot 13, Plan # H-03-1, dated 1/10/03 subject to Jennifer Kimball's memo dated January 31, 2003. Mrs. Hurst **SECONDED**. **VOTE: 6-Yes. 1-Abstain (Olney). MOTION PASSES IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS

1. Golden Corridor, LLC

6 Lot Subdivision Application at
Map 295, Lot 59

Harbor Road & Duston Avenue

Waiver Request Subdivision Regulations Section VII.C.9 (location of stormwater facility)

Owner of Record: Same as Above

Jurisdiction accepted November 6, 2002 – extended by applicant

Attorney Peter Saari and Mr. Joseph Coronati, Jones & Beach, addressed the Board. Mrs. Kimball stated that significant changes have been made to the drainage on Duston Avenue. Most of the departmental reviews have been received by the Board. The applicant has met with John Chagnon, Ambit Engineering, and John Hangen, DPW Director. The plans have been revised to tie into the existing drainage on Duston Avenue on the north side of the road. Drainage has been added to the southern side of the road that connects at a couple of points which eliminate the need for the Waiver. The easement will be removed from the proposed plans and the Waiver Request will be withdrawn. Additional changes have been made to the utilities that will service the proposed lots. The sewer main has been moved from the middle of the road. Fire services and sprinklers have been added. Per John Hangen, once the work is completed for this section, an overlay of Duston Avenue from the sewer manhole tied into at Whitten Avenue will be completed.

Based on the Board's comments over the last several meetings, Mrs. Kimball discussed the changes with DPW Director, John Hangen today and he is satisfied with the design presented. However, Ambit Engineering has not had an opportunity to review the final plans, but did work with the applicant's engineer on this. They will need to review prior to final approval. Vanasse & Associates had a couple of concerns regarding traffic issues. Fire Safety Inspector, Scott MacDonald, reviewed the plans and had a couple of minor concerns. Everyone was in agreement that most issues have been addressed, but they will need to review one last time prior to approval. Mrs. Kimball will meet with the applicant to ensure that everyone's concerns are addressed and resolved, prior to the next hearing on this matter in 2 weeks so the Board could take action at that time. Peter Olney had a concern about where the water would drain. Mr. Coronati stated that although the drainage pattern could not be changed, there will be no maintenance of drainage by any lot owners, and the volume and velocity of storm water drainage will actually be reduced.

Mr. Viviano asked about the turnaround on Duston Avenue. Mrs. Kimball stated that a 22' wide extension of Harbor Road is proposed connecting to Duston Avenue. That connection is for fire

safety apparatus, and is being reviewed.

OPEN PUBLIC HEARING.

Linda Daly, 18A Duston Avenue. Mrs. Daly had questions about drainage, a pool of standing water, the detention pond, and traffic on Harbor Road. She and most of her neighbors felt that Harbor Road should be the only access road to this development due to high volume of traffic in summer months. Mr. Coronati explained the drainage pattern.

Attorney Saari confirmed to Mrs. Kimball that the Waiver Request is being withdrawn.

No further comment. CONTINUE PUBLIC HEARING.

Mrs. Kimball stated that originally Vanasse & Associates reviewed the initial traffic impact analysis, and requested that some additional information which was provided by the applicant's engineer, Steve Pernaw. There are several minor Site Plan issues outstanding and Vanasse will prepare a letter stating that the trip generations from the individual units alone will not be significant enough to put the level of service on Duston Avenue in jeopardy. However, there are concerns about the intersection of Duston Avenue at Route 1A which could be addressed with some minor modifications. The bulk of the review will be with Phase II, for which the applicant has submitted a traffic analysis. As long as the cumulative impact of both these proposed 10 units as well as the proposed 21 units is reviewed, then he would feel comfortable making recommendations. The Board should have that letter prior to the next meeting. Keith Lessard asked about the connector road and the traffic impact. Mrs. Kimball and Mr. Coronati stated that they were not certain if the traffic impact study took that into consideration. Mr. Gillick stated that the Board would have that information prior to the February 19 meeting.

Mr. K. Lessard **MOTIONED** to continue the above application until the February 19, 2003 Planning Board meeting, with the applicant's permission to extend the jurisdictional period. It is also the understanding of the Board that the applicant has withdrawn the above Waiver Request. Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

5. Golden Corridor & Hampton Harbor Condominiums, LLC
Lot Line Adjustments at
3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road
Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63; Map 295, Lot 64, Map 298, Lot 3
Owners of Record: Helen C. Gilmore & Catherine F. Silver; James E. Gallagher;
Golden Corridor LLC; Hampton Harbor Condominiums LLC
6. Golden Corridor & Hampton Harbor Condominiums, LLC
Site Plan Review for 21-unit Townhouse Condominium Development at
Duston Avenue/Harbor Road
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

7. Golden Corridor & Hampton Harbor Condominiums, LLC
Special Permit Application for work within the Wetland Conservation District
associated with the multifamily Site Plan application at
Duston Avenue/Harbor Road
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

Attorney Peter Saari and Mr. Joseph Coronati, Jones & Beach, addressed the Board and gave a large view of the overall project. There will be 21 units spread over 3 separate semi-detached buildings, a swimming pool, beach restoration and various amenities. The yacht club and pier will remain untouched. The plan has been revised several times over the last few months. Hopefully the present plan, which is about half the density use allowed in this zone, will be acceptable to the Board.

Harbor Road will be reconstructed to be 22 feet wide, further away from the wetland buffer, and connect all the way to the marina. There are several mini parking lots, with 10 spaces, 7 spaces and 9 spaces in 3 separate areas. The existing buildings and cottages currently on the site will be demolished, as well as the trailers. DES Wetlands permit and special permit from the Town will be needed. The beach will be extended further, and a sea wall will be constructed to keep the remaining cottages from eventually sliding into the ocean.

There is adequate snow storage on site. A landscaping plan has been submitted. The existing town easement will be preserved as previously discussed with the Zoning Board. A sewer main will come into the property, and is an extension of the Phase I sewer coming up to unit 21. It is an all gravity-fed system, which will tie into the existing manhole at Whitten Avenue. All units have enough water service from Aquarion Water, and thus no well will be needed. There is an existing 8" water main running down Harbor Road to a hydrant at the end of Harbor Road.

The applicant is working with the gas company to alleviate the lack of gas pressure in the area. The drainage system will remedy any previous situations where there is ponding. The plan is to deepen the holding ponds through the use of drainage swales, and get more water into the pipe system that will allow it to flow at flatter slopes than the existing ground. Mr. Coronati is working with a company called Hydro Technology. They provide storm water treatment devices which will be inserted into an 8-10 foot in diameter catch basin. Hydro Technology would be happy to do a presentation at a future meeting. An outlet to the harbor is planned from this location, which will require permits from The Army Corps of Engineers and the Wetlands Bureau. Catch basins will be added for storm water drainage. Slab elevations are above elevation 9.5, therefore all the utilities can be in the garage for flood insurance purposes.

Two lot line adjustments are proposed for this project, the Gallagher residence and the Gilmore residence. Additional square footage will be added to both lots.

The applicant has a Site Specific Permit for the overall size of the project and the storm water treatment. A wetland permit will need to be filed for the work to construct the beach as well as for the work in the 100 foot buffer. A portion of the Yacht Club building will be removed. The

impervious area in the buffer will be reduced. The applicants are meeting with the Conservation Commission on February 25. The applicant has obtained 2 variances. One is for a 40' multi-family setback, and the other is for a 20' open space setback.

OPEN PUBLIC HEARING.

Linda Gebhart, 5 Oxford Drive, Enfield, CT. Mrs. Gebhart had concerns about drainage, water and traffic issues, the retaining wall, lighting, and flood lights. Mr. Gillick assured Mrs. Gebhart that the traffic issues would be addressed.

John Gebhart, 5 Oxford Drive, Enfield, CT. Mr. Gebhart asked about the retaining wall, the gas supply and subsequent hookup and capping, drainage and discharge into the water, and restoration of the beach. Mr. Saari and Mr. Coronati addressed his questions.

Jim Hurrell, 43 Harbor Road. Mr. Hurrell stated that Mr. Saari assured the homeowners in the area that the right-of-way provisions and restrictions will go in all condominium deeds.

Mr. Gillick read 2 letters into the record, one from Shirley F. Foote, dated January 23, 2003. Mr. Saari stated that he knew Mrs. Foote. Mr. Gillick read a letter from John Kavanagh, 14 Duston Avenue, dated February 3, 2003.

Tim Poole, 20 Harris Avenue. Mr. Poole had concerns about traffic in the area.

No further comment. SUSPEND PUBLIC HEARING.

Mr. Saari stated that an appeal from the Zoning Board of Adjustment regarding a hearing has been filed. Mrs. Kimball and Mr. Gillick have spoken with the Town Attorney and believed that the Board could take jurisdiction in principal and send this application out for departmental reviews including DOT and Aquarion, pending the outcome of the ZBA matters in an effort to not further delay these applications. Mrs. Kimball stated that the Board would not want to take jurisdiction but continue the process. Mrs. Kimball had subsequent discussions with Attorney Saari concerning the impact of certain RSA's on that decision. Mrs. Kimball will follow up with the town Attorney, Mark Gearreald. The Board would probably want to send these applications out for departmental reviews and take jurisdiction at a later date.

The Board had further questions regarding the independent traffic study, maintenance of road by the condominium association, signage, time of year for driving the pilings, lighting, water surcharging, and the tidal gate.

Mrs. Kimball recommended that the Board not accept jurisdiction. Per item #36 in her February 5, 2003 memo, send out for departmental reviews, including DPW, Fire Safety, Conservation Commission, Highway Safety, Police and Town Attorney, independent reviews of Ambit Engineering, Vanasse and Associates, Aquarion Water Company, and NH Department of Transportation. Mrs. Kimball further recommended continuing these applications and public hearings to March 19, 2003.

Mr. K. Lessard **MOTIONED** to continue the above applications until the March 19, 2003 Planning Board meeting. The Board will send these matters out for Departmental and Independent reviews. Mr. Viviano **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. CONSIDERATION OF MINUTES – JANUARY 15, 2003

Mr. K. Lessard **MOTIONED** to approve the minutes of January 15, 2003. Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CORRESPONDENCE

1. Extension for Foss Manufacturing

Mrs. Kimball stated that the Board received a letter from Stephen W. Foss dated January 30, 2003 requesting a one-year extension of the conditional site plan approval due to delays.

Mr. K. Lessard **MOTIONED** to grant a one-year extension of the Conditional Site Plan Approval (to February 6, 2004). Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that the Board received a letter from Attorney Peter Saari dated February 3, 2003 regarding Pride Development, Site Plan for a 3-unit condominium at 707 Ocean Blvd. requesting a one-year extension (to February 6, 2004).

Mr. Olney **MOTIONED** to grant a one-year extension to Pride Development of the Site Plan for a 3-unit condominium at 707 Ocean Blvd. (to February 6, 2004). Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that the Board received a memo from John Hangen, DPW Director, dated February 3, 2003 regarding setting the surety for DeNiro Development for the Napa Auto Parts project which the Board reviewed under the name of Saxonville Wholesale Lumber on Lafayette Road in the amount of \$120,000.

Mr. K. Lessard **MOTIONED** to set the surety for DeNiro Development for the Napa Auto Parts project (Saxonville Lumber) on Lafayette Road in the amount of \$120,000 per the recommendation of John Hangen, DPW Director. Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Kimball stated that the Board received a letter from David Macolini dated January 31, 2003 regarding the application of Ken Faulkner to perform work to the basement of his condominium at Ocean Meadows in the wetland buffer zone. A condition was that all repairs would be done from the interior of the building. It will be necessary to perform work on the exterior as well. The applicant has applied for a Dredge and Fill permit from NH DES Wetlands Bureau. The Conservation Commission approves of the proposed work. Mr. Gillick stated that the Board acknowledges that some work will be done on the exterior as shown. The Board understands

that this will include work on the outside of the structure, and that the applicant must secure NH DES Wetlands Bureau approval prior to construction. All of the other conditions from the original approval still stand.

Mr. J. Lessard **MOTIONED** to allow the additional work to be performed by Ken Faulkner at Ocean Meadows as outlined in the January 31, 2003 letter from David A. Macolini, P.E., JSN Associates, Inc. The Board understands that this will include work on the outside of the structure, and that the applicant must secure NH DES Wetlands Bureau approval prior to construction. All of the other conditions from the original approval still stand. Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. OTHER BUSINESS

Mr. Sullivan stated that there will be a meeting of the Public Works Committee on February 12, 2003 at 9:30 a.m. in LOB 201, regarding House Bill 565 FNA, which is a bill to establish the Commission to implement the Hampton Beach Master Plan. Mr. Sullivan, Mrs. Kimball, Town Manager James Barrington and others will be attending.

Mrs. Hurst **MOTIONED** to adjourn. Mr. Sullivan **SECONDED: VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:45 p.m.
Respectfully Submitted,
Maryann Brickett,
Planning Board Secretary